

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, July 14, 2015

8:30 a.m.

County Board Room – 3rd Floor – Courthouse

MINUTES

The Clay County Board of Commissioners met in regular session with all Commissioners present: Campbell, Gross, Ingersoll, Mongeau, and Weyland. County Administrator Brian C. Berg, Chief Assistant County Attorney Jenny Samarzja, and Senior Administrative Assistant Vicki Reek were also present.

APPROVAL OF AGENDA

On motion by Gross, seconded by Mongeau, and unanimously carried, the agenda was approved as presented.

APPROVAL OF FAMILY SERVICE CENTER LEASE FOR CONNECTIONS, INC.

By consent agenda, the Board approved renewal of the Family Service Center lease for Connections, Inc., for the period 9/1/15-12/31/15 @ \$11.75 sq.ft., and 1/1/16-12/31/17 @ \$12.25 sq.ft.

CITIZENS TO BE HEARD

There were no citizens present who wished to address the Board.

APPROVE PAYMENT OF BILLS AND VOUCHERS

On motion by Mongeau, seconded by Campbell, and unanimously carried, the bills and vouchers were approved for payment.

CLAY COUNTY ECONOMIC UPDATE AND WEST CENTRAL INITIATIVE ANNUAL UPDATE

Greg Wagner, Economic Development Planner, and Tom McSparron, Vice President of Development, West Central Initiative (WCI), were present to update the Board regarding West Central Initiative's activities. Mr. Wagner informed the Board that the Comprehensive Economic Development Strategy (CEDS) report is online at ceds.wcif.org. Clay County's population has grown from 58,999 in 2010 to 61,200 in 2014. Trends for the future include the need for a larger workforce, rising costs of energy, housing affordability and availability, and need for increased wages. The industries with the most need include transportation and utilities, professional and business services, education and health services, and leisure and hospitality.

Mr. McSparron informed the Board that Economic Development continues to be the main focus of WCI. Over the years, WCI's investments in Clay County have included 541 grants totaling \$8,425,886 and 144 loans totaling \$4,992,184. Mr. McSparron was hopeful the County Board would approve a 2016 budget commitment of \$15,000 (\$7000 for the County Loan Fund; \$8000 for the WCI Endowment Fund).

The Board was informed that Brad Barth has been named CEO of West Central Initiative.

APPROVAL OF COURTHOUSE HVAC PIPE REPLACEMENT PROJECT

Building Maintenance Supervisor Joe Olson informed the Board that the piping for the main HVAC water loop system in the Courthouse has deteriorated and the two main pumps need replacing. The piping will be replaced from the basement pump room to the cooling tower on the roof. Three quotes have been received: Grant's Mechanical, \$44,698; Robert Gibb, \$47,900; and Trane, \$73,940. The Campus Improvements Committee has reviewed and approved the request.

On motion by Ingersoll, seconded by Gross, and unanimously carried, the Board awarded the Courthouse HVAC pipe replacement project to Grant's Mechanical for their low quote of \$44,698.

PUBLIC HEARING: ENACTMENT OF ORDINANCES RE-ADOPTING THE MINNESOTA STATE FOOD PROTECTION CODE, LODGING ESTABLISHMENT CODE, MOBILE HOME PARK/RECREATIONAL CAMPING AREA CODE, YOUTH CAMP CODE, PUBLIC SWIMMING POOL/SPA CODE, AND SAFE DRINKING WATER CODE

On motion by Campbell, seconded by Gross, and unanimously carried, the Public Hearing was opened to discuss re-adopting MN State Food Protection Code, Lodging Establishment Code, Mobile Home Park/Recreational Camping Area Code, Youth Camp Code, Public Swimming Pool/Spa Code, and Safe Drinking Water Code.

Chief Assistant County Attorney Jenny Samarzja explained that in 2010 Clay County adopted the six State codes listed above by reference. In 2011 the County repealed what had been adopted and readopted the same State codes with expanded text. The Minnesota Department of Health is conducting an audit of our Health Department and has requested that Clay County Ordinance 2011-3, Part I be expanded again with more comprehensive provisions added. The regulations do not change from what was previously adopted by the County.

No one spoke for or against the re-adoption of the ordinances.

On motion by Campbell, seconded by Mongeau, and unanimously carried, the public hearing was closed.

On motion by Mongeau, seconded by Ingersoll, and unanimously carried, the Board repealed Clay County Ordinance 2011-3, Part I, and adopted Ordinance 2015-2 (Food Protection Ordinance); Ordinance 2015-3 (Lodging Establishment Ordinance); Ordinance 2015-4 (Youth Camp Ordinance); Ordinance 2015-5 (Public Swimming Pool and Spa Ordinance); Ordinance 2015-6 (Manufactured Home Park and Recreational Camping Area Ordinance); Ordinance 2015-7 (Public Water Supply Ordinance), See Attachment "A".

DEMOLITION OF HARDSHIP BUYOUT PROPERTY AT 387 170 AVE SW, MOORHEAD

County Administrator Brian Berg explained that the owners of a property located at 387 170 Avenue SW, Moorhead, applied to the FM Diversion Authority for a medical hardship buyout. The buyout was approved in 2013 and the residence was sold at auction in 2014. The house was moved off the property, however, the demolition and clean-up was not appropriately conducted. This has lead to complaints regarding the open basement, debris and overall health hazard of the property. Due to budgetary matters, the pending MN Environmental Impact Statement (EIS), and Federal court matters, the FM Diversion Authority has requested that Clay County conduct the demolition and clean-up, to be reimbursed by the Diversion for all costs incurred.

Commissioner Mongeau commented that she did not believe the funds for the buyout should have been spent in Minnesota in the first place. She did not feel Clay County should conduct the clean-up and would not support the project.

Commissioner Campbell commented that a health hazard exists that is the responsibility of Clay County to remedy. He stated the Diversion feels their hands are tied until the EIS is completed. The Diversion will reimburse Clay County for all costs incurred.

County Administrator Brian Berg felt that Clay County, as a 1/6th partner in the Diversion, has a responsibility in this matter.

On motion by Campbell and seconded by Ingersoll, the Board authorized the solicitation of quotes for the demolition and clean-up of the property at 387 170th Avenue SW, Moorhead, with the understanding that the FM Diversion Authority will reimburse Clay County for all costs. Commissioner Mongeau voted against the motion.

LEGISLATIVE UPDATE: SENATOR KENT EKEN, REPRESENTATIVE PAUL MARQUART,
REPRESENTATIVE BEN LIEN

Senator Kent Eken, Representative Paul Marquart, and Representative Ben Lien updated the Board concerning the recent legislative session. Topics discussed included: MPCA conducting independent peer reviews for costly rules being implemented, lack of action this year for tax and transportation bills, the bonding bill for next year, support for dedicated transportation funding, County Program Aid fix, County audits by private companies, etc.

Commissioner Campbell expressed his appreciation for the funding to complete the Oakport project. This area will be certified out of the flood plain.

Commissioner Mongeau was appreciative of the funds for solid waste projects.

County Administrator Brian Berg was hopeful for the legislators' support for funding for the County's new jail, as well as for the Solid Waste transfer station project.

BUFFALO-RED RIVER WATERSHED DISTRICT 2014 ANNUAL REPORT/AUDIT; RED RIVER
WATERSHED MANAGEMENT BOARD MEMBERSHIP

Bruce Albright, Office Administrator, Buffalo-Red River Watershed District (BRRWD) distributed the Watershed's annual report and audit for the Board's review. Mr. Albright indicated that the BRRWD spends the funds they take in each year for the benefit of the members of the District. He noted that one of the major projects completed in 2014 was the Manston Slough Restoration Project. Major projects for 2015 will include the Georgetown Flood Mitigation Project and completion of Oakport Flood Mitigation Project.

The Board discussed the pros and cons of re-joining the Red River Watershed Management Board (RRWMB). The Clay County Commission supported rejoining, as it is better to have a seat at the table for decision-making purposes. Mr. Albright indicated that a decision would have to be made in 30 days to rejoin or not, and that decision must receive district-wide support.

The Board congratulated Bruce Albright as recipient of MN Board of Water & Soil Resources "2014 Watershed District Employee of the Year".

Mark T. Anderson, recently appointed Manager to the BRRWD, expressed his appreciation for the appointment and the good working relationship with the Board. Mr. Anderson replaced Mr. Curtis Nelson who served 33 years on the Board of Managers.

2016 BUDGET PRESENTATION/DISCUSSION

County Administrator Brian Berg and County Auditor-Treasurer Lori Johnson presented preliminary 2016 budget information. New requests were noted and will be reviewed in greater detail over the next few months. Other items for the budget to be considered are cost of living adjustment, a health insurance increase, County Program Aid, the MCIT dividend, and an additional \$50,000 for the Jail construction project. The growth by new construction equates to 1.86% (a portion of which is rebated back to the homeowner).

The 2014 year end Statement of Revenues/Expenditures was presented, indicating an overall excess of revenues over expenditures of approximately \$1.5 million.

Commissioner Gross indicated that in addition to what departments are requesting for 2016, he would like to see the areas where they are saving money. He felt the Board should set the levy at a particular level and the requests will have to meet that level.

Commissioner Weyland felt decisions need to be made as to what the departments need and what the County can afford.

The County Administrator and County Auditor-Treasurer will meet with each department head, and presentations will be made to the County Board.

CLOSED SESSION (PER SECTION 13D.05. Subd. 3c) CONSIDERATION OF MATTERS RELATING TO THE COUNTY'S POSSIBLE PURCHASE OF PROPERTY NORTH OF THE COURTHOUSE

On motion by Mongeau, seconded by Campbell, and unanimously carried, the meeting was closed to discuss matters relating to the County's possible purchase of property north of the Courthouse.

On motion by Gross, seconded by Mongeau, and unanimously carried, the meeting was re-opened.

The Board discussed development of a policy to pay 10% over appraised value for the homes north of the Courthouse, plus closing costs.

Commissioner Campbell expressed concern that everyone is treated equal with respect to the offers.

Commissioner Weyland felt some homeowners may want to be bought out immediately and some may want additional time. He felt those arrangements will be made as time goes on.

Commissioner Gross felt the County Administrator, Planning Director and Chief Assistant County Attorney will conduct the sales processes in the best interest of the County.

Commissioner Gross moved that with respect to the purchase of properties north of the County campus, the County Board adopt a home buyout policy of paying 10% over the appraised amount of the residence, to pay all closing costs of the transaction, and Brian Berg or Tim Magnusson were authorized as selling agents on behalf of the County. The motion passed with Commissioners Campbell and Weyland against.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE

Commissioner Ingersoll attended meetings of the Moorhead Planning Commission, Campus Improvement Committee, Soil and Water Conservation District, Lake Agassiz Regional Library, and Insurance Committee.

Commissioner Gross attended meetings of the FM Metro Council of Governments, Campus Improvement Committee, Heartland Trail, and the Clay County Fair.

Commissioner Mongeau attended meetings of Hawley Township, Food Systems Advisory Commission, and the Clay County Fair.

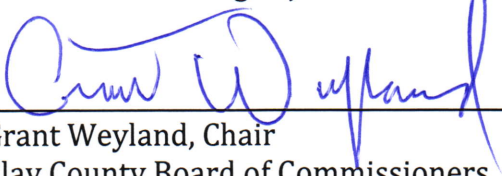
Commissioner Campbell attended the Insurance Advisory Committee meeting and FM Diversion Public Outreach meeting. He requested that Building Maintenance Supervisor Joe Olson be added to the membership of the Corrections Facility Design, Construction, and Operations Committee. With respect to the use of solar energy for new County projects, the consensus was that this important research should be part of the architect's work.

Commissioner Weyland attended the Heartland Trail meeting.


County Administrator Brian Berg reported on meetings of the Insurance Committee, Campus Improvement, home buyouts, FM Diversion Land Management and FM Diversion.

ADJOURN

The meeting adjourned at 11:34 a.m.



Grant Weyland, Chair
Clay County Board of Commissioners



Brian C. Berg, County Administrator

CLAY COUNTY ORDINANCE 2015- 2

The Clay County Board hereby ordains as follows:

TITLE: This Section shall be known as the Clay County Food Protection Ordinance.

REPEALER: Clay County Ordinance 2011-3, Part I, Subpart A is hereby repealed in its entirety. The following shall be incorporated in the appropriate chapter of the Clay County Code in its place.

Section I: PURPOSE.

1.1 Purpose. This Ordinance is enacted to establish standards for the regulation of food establishments to protect the health, safety, and general welfare of the people of Clay County pursuant to powers granted under Minnesota Statutes and subsequent recodifications and/or amendments and other applicable legislation, as may be adopted from time to time.

1.2 Objectives. The principal objectives of this Ordinance are as follows:

- A. To provide local governance to promote health, safety, and wellness to citizens and patrons of food service establishments.
- B. To correct and prevent foodborne illness and conditions that may adversely affect persons utilizing food establishments.
- C. To provide standards for the design, construction, operation, and maintenance of food establishments.
- D. To provide education to food workers and operators on risk factors contributing to food borne illness.
- E. To meet consumer expectations for the safety of food establishments.

Section II: SCOPE.

The scope of this ordinance applies to food service establishments within the jurisdiction of the Health Authority and as described in Minnesota Statutes Chapter 157.15.

Section III: DELEGATED AUTHORITY.

Promulgated in Minnesota Statutes Chapter 145A.07, the commissioner of health has entered into an agreement with Clay County, a member of the Partnership 4 Health community health board, to delegate all or part of the licensing, inspection, reporting, and enforcement duties authorized under 145A.04, subdivision 6 and MN Statutes Chapter 157.

Section IV: STATE HEALTH DEPARTMENT RULES ADOPTED.

Pursuant to Minnesota Statutes Chapter 157 excluding section 157.16 Subd 2(a) and 157.16 Subd 3(a), and Minnesota Rules Chapter 4626, excluding 4626.2015 through 4626.2025, including all subsequent amendments thereto, are hereby adopted by Clay County by reference.

Section V: GENERAL PROVISIONS.

5.1 Exclusions. This Ordinance shall not apply to food service operations as referenced in MN Statutes Chapter 157.22.

Section VI: DEFINITIONS.

6.1 Definitions of words, phrases, and terms used in this Ordinance shall be those set forth in Minnesota Rules, Chapter 4626, Statutes Chapter 157, Clay County Administrative Ordinance 2010-3 Part 2, and this section.

6.2 "Health Authority" shall mean the Clay County Public Health Department and its designated employees, agents, or contractors, as the Clay County Board may designate.

6.3 "County" shall mean Clay County.

Section VII: ADMINISTRATION.

7.1 Administrative Ordinance. Except where otherwise specified, this Ordinance is subject to all provisions of Clay County Administrative Ordinance 2010-3 Part 2.

7.2 License Required. It is unlawful for any person to operate or permit the operation of a food service establishment, regardless of whether a fee is charged for such use, unless Clay County has issued a valid license from the Health Authority which is in full force and effect. Licensing of food service establishments shall be done pursuant to Clay County Administrative Ordinance 2010-3 Part 2 and active Resolution. Only a person who complies with the provisions of this ordinance(s) and resolution(s) applicable thereto within the jurisdiction in which the food service facility is located shall be entitled to receive a license.

7.3 General Licensing. The application or renewal for such licenses shall be made on forms furnished by the Health Authority and shall describe the general nature of the business, the location, and any other information deemed necessary by the Health Authority.

7.4 License Fees. Fees for licenses, late fees, and service fees as shown in the fee schedule, issued hereunder shall be those established by an active resolution of the Clay County Board of Health.

7.5 License Expiration. Licenses issued pursuant to this Ordinance shall commence and expire on the dates indicated on the license certificate. With the exception of seasonal food establishment licenses, all food establishment licenses shall be issued for the applicable license year. Seasonal food establishment licenses shall be issued for the specific days the seasonal food establishment is in operation.

7.6 Transfer and Display of License. A license shall not be transferable as to person or place. A valid, original license certificate issued from the Health Authority shall be located onsite and posted so that it is clearly visible to the public.

Section VIII: INSPECTIONS AND PLAN REVIEW.

All persons who hereafter construct, remodel or convert buildings or facilities for use on a parcel of land meeting the definition of food service establishment shall conform and comply in their construction or alteration with the requirements of this ordinance. Plans and specifications for such construction, remodeling or alteration which shall show layout; mechanical, plumbing, and electrical specifications; construction materials; and location and type of equipment and facilities shall be filed by its owner in the Office of the Health Authority. The establishment shall be constructed and finished in conformance with the approved plans. The Health Authority, in partnership with other State and Local officials, shall inspect the grounds including buildings and facilities related to the operation or functionality of the establishment as frequently as deemed necessary during construction to ensure that construction occurs in conformance with the approved plans. The regulatory authority shall conduct a final inspection prior to the start of operations and issuance of an approved license.

8.2 Plan Submission. The license applicant or licensee shall submit properly prepared plans to the Health Authority under the provisions of Minnesota Rules, Chapter 4626.1720 and 4626.1725. Complete plans, specifications, plan application, and the plan review fee shall be submitted to the Health Authority at least 30 days before beginning construction or remodeling.

8.3 Approval Required. The food establishment shall be constructed in conformance with plans approved by the Health Authority. The jurisdiction shall not issue a building permit for a food establishment or remodeling or alteration permit for such an establishment until the Health Authority has approved such plans.

8.4 Access to Premises and Records. After providing proper Clay County identification, the person in charge of the food establishment shall, upon request of the Health Authority, permit access to all parts of the establishment at any reasonable time for the purpose of inspection as often as deemed necessary by the Health Authority. The person in charge shall make available and allow copying of any and all records necessary to ensure compliance with this Ordinance.

8.5 Interference with Health Authority. No person shall interfere with or hinder the Health Authority in the performance of its duties, or refuse to permit the Health Authority to make inspections of a food establishment.

8.6 Removal and Correction of Violations. The licensee, owner, or operator of a food establishment, upon receipt of a report giving notification of one or more violations of this Ordinance, shall correct or remove each violation in the length of time determined by the Health Authority. The length of time for the correction or removal of each such violation shall be noted on the inspection report provided by the Health Authority to the establishment. Failure to remove or correct each violation within the specified time period may constitute a separate violation of this Ordinance and further action by the Health Authority. The Health Authority may issue orders to halt construction or remodeling, or to take corrective measures to ensure compliance with this Ordinance.

Section IX: GROUNDS FOR EMERGENCY CLOSURE.

9.1 Grounds for Emergency Closure. If any of the following conditions exist, the operator may be ordered to discontinue all operations of the food establishment until such time as the Health Authority confirms the correction of the violation:

- A. Failure to possess a current license required by this Ordinance;
- B. Evidence of a sewage backup in a food preparation, food storage, or utensil washing area;
- C. Lack of potable, plumbed, hot or cold water to the extent that hand washing, utensil washing, food preparation, or toilet facilities are not operational;
- D. Lack of electricity or gas service to the extent that hand washing, utensil washing, food preparation, lighting, or toilet facilities are not operational;
- E. Evidence of an ongoing illness associated with the operation of the establishment;
- F. Significant damage to the food establishment due to tornado, fire, flood, or other disaster;
- G. Evidence of an infestation of rodents or other vermin;
- H. Evidence of cross contamination, filthy conditions, untrained staff, or poor personal hygiene;
- I. Lack of an effective means of sanitizing dishes or utensils; or
- J. Any violation or combination of violations deemed by the Health Authority to be an immediate or potentially serious health, safety, or security concern to patrons of the establishment; and
- K. Anytime a public health nuisance, as defined in Minnesota Statutes, Section 145A.02 subdivision 17, exists.

Section X: STANDARDS FOR HEALTH, SAFETY, AND NUISANCE PREVENTION.

10.1 Standards Adopted. This Ordinance incorporates by reference the provisions of Minnesota Statutes, Chapter 157 and Minnesota Rules, Chapters 4626.0010 through 4626.2010, and all subsequent recodifications and amendments, and specifically adopts the following additional standards pursuant to Minnesota Statute, Section 145A.05, subdivision 1:

A. Minnesota Rules, Chapter 4626.1050 subp. A is amended to read as follows: A hand washing lavatory shall be equipped to provide water to the user through a mixing valve or combination faucet, at a temperature of at least 43 degrees C (110 degrees F), but not more than 54 degrees C (130 degrees F) in a food establishment and not more than 48 degrees C (120 degrees F), in a sink that is used by children such as a school, day care, or preschool.

B. Minnesota Rules, Chapter 4626.2010 Subp. 4 is amended to read as follows: Exemptions. These exempted food establishments are not required to have a certified food manager, but the person in charge required by 4626.0025 in these food establishments must be trained in basic food sanitation by the Health Authority.

Section XI: VARIANCES.

11.1 Determination and Notice. When a licensee or applicant requests a variance under Minnesota Rules, Chapter 4626.1690 through 4626.1715, on the form provided by the Health Authority, from a provision of this Ordinance or Minnesota Rules, Chapter 4626, the Health Authority will issue a written determination regarding that variance request. The administrative review of the variance will be issued to the licensee or applicant within ten County working days of the completion of the review.

Section XII: SEPARABILITY.

If any provision or application of any provision of this Ordinance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance.

Section XIII: PENALTY.

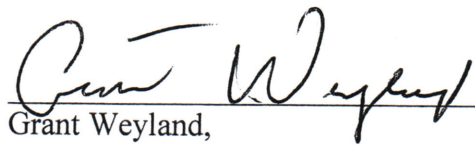
13.1 Penalty. Any person violating a provision of this ordinance may be guilty of a misdemeanor and upon conviction thereof shall be punished pursuant to Clay County Ordinance 2010-3 Part 2.

13.2 Administrative Citations. Whenever the Health Authority discovers a violation of this Ordinance, a citation may be issued to the person alleged to have committed the violation. The citation shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or impliedly authorized to accept such issuance.

13.3 Re-inspection. If violation(s) found during an establishment inspection are deemed a potential public health or safety risk, a re-inspection of the establishment may be performed by the Health Authority. A re-inspection service fee, as defined in resolution, may be assessed to a licensed establishment after a re-inspection is completed.

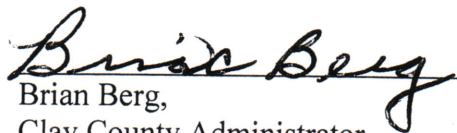
EFFECTIVE DATE: After passage by the Clay County Board of Commissioners, this Ordinance shall be effective the date of enactment.

Adopted by the Clay County Board of Commissioners this 14 day of July, 2015.



Grant Weyland,
Chairman, Clay County Board of Commissioners

ATTEST:



Brian Berg,
Clay County Administrator

CLAY COUNTY ORDINANCE 2015- 3

The Clay County Board hereby ordains as follows:

TITLE: This Section shall be known as the Clay County Lodging Establishment Ordinance.

REPEALER: Clay County Ordinance 2011-3, Part I, Subpart B is hereby repealed in its entirety. The following shall be incorporated in the appropriate chapter of the Clay County Code in its place.

Section I: PURPOSE.

1.1 Purpose. This Ordinance is enacted to establish standards for the regulation of lodging and accommodation establishments to protect the health, safety, and general welfare of the people and patrons of Clay County pursuant to powers granted under Minnesota Statutes and subsequent recodifications and/or amendments and other applicable legislation, as may be adopted from time to time.

1.2 Objectives. The principal objectives of this Ordinance are as follows:

- A. To provide local governance to promote health, safety, and wellness to citizens and patrons of lodging establishments.
- B. To correct and prevent conditions that may adversely affect persons utilizing lodging establishments.
- C. To provide and enforce standards for the design, construction, operation, and maintenance of lodging establishments following requirements set forth by adopted legislation.
- D. To provide education to lodging establishment workers and operators on risk factors contributing to health and safety issues in lodging establishments.
- E. To meet consumer expectations of the health and safety of lodging establishments.

Section II: SCOPE.

The scope of this ordinance applies to lodging establishments within the jurisdiction of the Health Authority and as described in Minnesota Statutes Chapter 157.15.

Section III: DELEGATED AUTHORITY.

Promulgated in Minnesota Statutes Chapter 145A.07, the commissioner of health has entered into an agreement with Clay County, a member of the Partnership 4 Health community health

board, to delegate all or part of the licensing, inspection, reporting, and enforcement duties authorized under 145A.04, subdivision 6 and MN Statutes Chapter 157.

Section IV: STATE HEALTH DEPARTMENT RULES ADOPTED.

Pursuant to Minnesota Statutes 145A.01 – 145A.11, Chapter 157, Chapter 327, 375.51 - 375.55 and Minnesota Rules 4625.0100 – 4625.2300 inclusive relating to lodging establishments, including all subsequent amendments thereto, are hereby adopted by Clay County by reference. Reference in Minnesota Statutes 375.51 - 375.55, Chapter 157, Chapter 327, 375.51 - 375.55, and Minnesota Rules 4625 to Board, Commissioner of Health, or Board of Health shall be to the Clay County Board of Commissioners and their authorized representatives.

Section V: DEFINITIONS.

For the purpose of this ordinance the following words shall have the following meaning:

Subsection 1: "County" shall mean Clay County.

Subsection 2: "Health Authority" shall mean the Clay County Public Health Department and its designated employees, agents, or contractors, as the Clay County Board may designate.

Subsection 3: As stated in Minnesota Statutes Chapter 157.15, "lodging establishment" means a building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public as regular roomers, for periods of one week or more, and having five or more beds to let to the public.

Subsection 4: As stated in Minnesota Statutes Chapter 157.15, "Hotel or motel" means a building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week.

Subsection 5: As stated in Minnesota Statutes Chapter 157.15, "Resort" means a building, structure, enclosure, or any part thereof located on, or on property neighboring, any lake, stream, skiing or hunting area, or any recreational area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public, and primarily to those seeking recreation for periods of one day, one week, or longer, and having for rent five or more cottages, rooms, or enclosures.

Section VI: ADMINISTRATION.

6.1 Administrative Ordinance. Except where otherwise specified, this Ordinance is subject to all provisions of Clay County Administrative Ordinance 2010-3 Part 2.

6.2 License Required. It is unlawful for any person to operate or permit the operation of a lodging establishment, regardless of whether a fee is charged for such use, unless the County has issued a valid license from the Health Authority which is in full force and effect. Licensing of lodging establishments shall be done pursuant to Clay County Administrative Ordinance 2010-3 Part 2 and active Resolution. Only a person who complies with the requirements of this Ordinance shall be entitled to hold a license.

6.3 General Licensing. The application for such licenses as described in this Ordinance shall be made on forms furnished by the Health Authority and shall describe the general nature of the business, the location, and any other information deemed necessary by the Health Authority.

6.4 Fees. Fees for licenses, late fees, and service fees as shown in the fee schedule, issued hereunder shall be those established by an active resolution of the Clay County Board of Health.

6.5 License Expiration. Licenses issued pursuant to this Ordinance shall commence and expire on the dates indicated on the license certificate. All lodging establishment licenses shall be issued for the applicable license year.

6.6 Transfer and Display of License. A license shall not be transferable as to person or place. A valid, original license certificate issued from the Health Authority shall be located onsite and posted so that it is clearly visible to the public.

Section VII: INSPECTION OF LODGING ESTABLISHMENTS.

The Health Authority shall inspect every lodging establishment as required based upon risk level established by and described in Minnesota Statute 157.20 and as frequently as deemed necessary to ensure compliance with this ordinance.

7.1 Access to Premises and Records. The person in charge of the establishment shall, upon request of the Health Authority and after providing proper Clay County identification, permit access to all parts of the establishment at any reasonable time for the purpose of inspection as often as deemed necessary by the Health Authority.

7.2 Interference with Health Authority. No person shall interfere with or hinder the Health Authority in the performance of its duties, or refuse to permit the Health Authority to make inspections of the establishment.

7.3 Removal and Correction of Violations. The licensee, owner, or operator of the establishment, upon receipt of a report giving notification of one or more violations of this

Ordinance, shall correct or remove each violation in the length of time determined by the Health Authority. The length of time for the correction or removal of each such violation shall be noted on the inspection report provided by the Health Authority to the establishment. Failure to remove or correct each violation within the specified time period may constitute a separate violation of this Ordinance and further action by the Health Authority. The Health Authority may issue orders to halt construction or remodeling, or to take corrective measures to ensure compliance with this Ordinance.

Section VIII: CONSTRUCTION AND PLAN REVIEW.

All persons who hereafter construct, remodel or convert buildings or facilities for use as a lodging or boarding facility shall conform and comply in their construction or alteration with the requirements of this ordinance. Plans and specifications for such construction remodeling or alteration which shall show layout; mechanical, plumbing, and electrical specifications; construction materials; and location and type of equipment and facilities shall be filed by its owner in the Office of the Health Authority. The lodging establishment shall be constructed and finished in conformance with the approved plans. The Health Authority, in partnership with other State and Local officials, shall inspect the lodging establishment as frequently as deemed necessary during construction to ensure that construction occurs in conformance with the approved plans. The regulatory authority shall conduct a final inspection prior to the start of operations and issuance of an approved license.

8.1 Plan Submission. The license applicant or licensee shall submit properly prepared plans to the Health Authority under the provisions of Minnesota Rules, Chapter 157. The plans, specifications, application, and plan review fee shall be submitted to the Health Authority at least 30 days before beginning construction or remodeling.

8.2 Approval Required. The establishment shall be constructed in conformance with plans approved by the Health Authority. The jurisdiction shall not issue a building permit for a lodging establishment or remodeling or alteration permit for such an establishment until the Health Authority has approved such plans.

8.3 Construction Inspections. The Health Authority shall inspect the establishment as frequently as necessary during construction to ensure that construction occurs in conformance with this Ordinance. The licensee shall not begin operations until the Health Authority has conducted a final inspection and approved issuance of the license.

8.4 Interference with Health Authority. No person shall interfere with or hinder the Health Authority in the performance of its duties, or refuse to permit the Health Authority to make inspections of the establishment.

Section IX: PENALTY.

9.1 Penalty. Any person violating a provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable pursuant to Clay County Ordinance 2010-3 Part 2.

9.2 Administrative Citations. Whenever the Health Authority discovers a violation of this Ordinance, a citation may be issued to the person alleged to have committed the violation. The citation shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or impliedly authorized to accept such issuance.

9.3 Re-inspection. If violation(s) found during an establishment inspection are deemed a potential public health or safety risk, a re-inspection of the establishment may be performed by the Health Authority. A re-inspection service fee, as defined in resolution, may be assessed to a licensed establishment after a re-inspection is completed.

Section X: GROUNDS FOR EMERGENCY CLOSURE.

10.1 Grounds for Emergency Closure. If any of the following conditions exist, the operator may be ordered to discontinue or close all or portions of the lodging establishment until such time as the Health Authority confirms the correction of the violation:

- A. Failure to possess a current license required by this Ordinance;
- B. Evidence of septic system failure in proximity to or related to operations of the lodging establishment;
- C. Lack of potable water related to operations of the lodging establishment;
- D. Acceptable toilet facilities are not present, sanitary, easily accessible, or operational to the lodging establishment;
- E. Significant damage to the establishment operation, shelters, or site services due to tornado, fire, flood, or other disaster;
- F. Evidence of an infestation of rodents or other vermin within structures or buildings related to the operation of the establishment;
- G. Any violation or combination of violations deemed by the Health Authority to be an immediate or potentially serious health, safety, or security concern to patrons of the lodging establishment; and
- H. Anytime a public health nuisance, as defined in Minnesota Statutes, Section 145A.02 subdivision 17, exists.

Section X: VARIANCES.

10.1 Determination and Notice. When a licensee or applicant requests a variance under Minnesota Rules, Chapter 4717.7000, subpart 1(D), on the form provided by the Health Authority, from a provision of this Ordinance or Minnesota Rules, Chapter 4625, the Health Authority will issue a written determination regarding that variance request. The administrative review of the variance will be issued to the licensee or applicant within ten County working days of the completion of the review.

Section XI: SEPARABILITY.

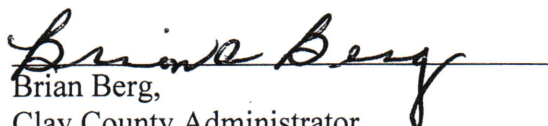
If any provision or application of any provision of this Ordinance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance.

EFFECTIVE DATE: After passage by the Clay County Board of Commissioners, this Ordinance shall be effective the date of enactment.

Adopted by the Clay County Board of Commissioners this 14 day of July, 2015.


Grant Weyland,
Chairman, Clay County Board of Commissioners

ATTEST:


Brian Berg,
Clay County Administrator

CLAY COUNTY ORDINANCE 2015- 4

The Clay County Board hereby ordains as follows:

TITLE: This Section shall be known as the Clay County Youth Camp Ordinance.

REPEALER: Clay County Ordinance 2011-3, Part I, Subpart C is hereby repealed in its entirety. The following shall be incorporated in the appropriate chapter of the Clay County Code in its place.

Section I: PURPOSE.

1.1 Purpose. This Ordinance is enacted to establish standards for the regulation of youth camp establishments to protect the health, safety, and general welfare of the people and patrons of Clay County pursuant to powers granted under Minnesota Statutes and subsequent recodifications and/or amendments and other applicable legislation, as may be adopted from time to time.

1.2 Objectives. The principal objectives of this Ordinance are as follows:

- A. To provide local governance to promote health, safety, and wellness to citizens and patrons of youth camp establishments.
- B. To correct and prevent conditions that may adversely affect persons utilizing youth camp establishments.
- C. To provide education to youth camp workers and operators on risk factors contributing to health and safety issues.
- D. To meet consumer expectations for the health and safety of youth camp establishments.

Section II: SCOPE.

The scope of this ordinance applies to youth camp establishments within the jurisdiction of the Health Authority and as described in Minnesota Statutes Chapter 144.71.

Section III: DELEGATED AUTHORITY.

Promulgated in Minnesota Statutes Chapter 145A.07, the commissioner of health has entered into an agreement with Clay County, a member of the Partnership 4 Health community health board, to delegate all or part of the licensing, inspection, reporting, and enforcement duties authorized under sections 144.71 to 144.74; 145A.04, subdivision 6; Statutes Chapter 157.

Section IV: STATE HEALTH DEPARTMENT RULES ADOPTED.

Pursuant to Minnesota Statutes 144.71-144.74, 145A1.01 – 145A1.11, 375.51 - 375.55 and Minnesota Rules 4630.2300 – 4630.4700 relating to youth camps, including all subsequent amendments thereto, are adopted by Clay County by reference. Reference in 4630.2300 – 4630.4700 to Board or Board of Health shall be to the Clay County Board of Commissioners and their authorized representatives.

Section V: DEFINITIONS.

For the purpose of this ordinance the following words shall have the following meaning:

Subsection 1: "County" shall mean Clay County.

Subsection 2: "Health Authority" shall mean the Clay County Public Health Department, its and its designated employees, agents, or contractors, as the Clay County Board may designate.

Subsection 3: As stated in Minnesota Statutes Chapter 144.71, a youth camp is defined as a parcel or parcels of land with permanent buildings, tents or other structures together with appurtenances thereon, established or maintained as living quarters where both food and beverage service and lodging or the facilities therefor are provided for ten or more people, operated continuously for a period of five days or more each year for educational, recreational or vacation purposes, and the use of the camp is offered to minors free of charge or for payment of a fee.

Subd. 3. This definition does not include cabin and trailer camps, fishing and hunting camps, resorts, penal and correctional camps, industrial and construction camps, nor does it include homes operated for care or treatment of children and for the operation of which a license is required under the provisions of chapter 257.

Section VI: ADMINISTRATION.

6.1 Administrative Ordinance. Except where otherwise specified, this Ordinance is subject to all provisions of Clay County Administrative Ordinance 2010-3 Part 2.

6.2 License Required. It is unlawful for any person to operate or permit the operation of a youth camp in Clay County, regardless of whether a fee is charged for such use, unless the County has issued a valid license from the Health Authority which is in full force and effect. Licensing of a youth camp shall be done pursuant to Clay County Administrative Ordinance 2010-3 Part 2 and active Resolution. Only a person who complies with the provisions of this ordinance(s) and resolution(s) applicable thereto of the city or cities in which the youth camp is located shall be entitled to receive a license.

6.3 General Licensing. The application or renewal for such licenses as described in this Ordinance shall be made on forms furnished by the Health Authority and shall describe the general nature of the business, the location, and any other information deemed necessary by the Health Authority.

6.4 Fees. Fees for licenses, late fees, and service fees as shown in the fee schedule, issued hereunder shall be those established by an active resolution of the Clay County Board of Health.

6.5 License Expiration. Licenses issued pursuant to this Ordinance shall commence and expire on the dates indicated on the license certificate. All youth camp licenses shall be issued for the applicable license year.

6.6 Transfer and Display of License. A license shall not be transferable as to person or place. A valid, original license certificate issued from the Health Authority shall be posted in a conspicuous place on the premises occupied by the camp.

Section VII: INSPECTION OF YOUTH CAMPS.

The Health Authority shall inspect every youth camp annually as pursuant to Minnesota Statutes 144.73 subd. 1 or as frequently as deemed necessary to ensure compliance with this ordinance.

7.1 Access to Premises and Records. The person in charge of the establishment shall, upon request of the Health Authority and after providing proper Clay County identification, permit access to all parts of the establishment at any reasonable time for the purpose of inspection as often as deemed necessary by the Health Authority.

7.2 Interference with Health Authority. No person shall interfere with or hinder the Health Authority in the performance of its duties, or refuse to permit the Health Authority to make inspections of the establishment.

7.3 Removal and Correction of Violations. The licensee, owner, or operator of the establishment, upon receipt of a report giving notification of one or more violations of this Ordinance, shall correct or remove each violation in the length of time determined by the Health Authority. The length of time for the correction or removal of each such violation shall be noted on the inspection report provided by the Health Authority to the establishment. Failure to remove or correct each violation within the specified time period may constitute a separate violation of this Ordinance and further action by the Health Authority. The Health Authority may issue orders to halt construction or remodeling, or to take corrective measures to ensure compliance with this Ordinance.

Section VIII: CONSTRUCTION AND PLAN REVIEW.

The youth camp shall be constructed and finished in conformance with requirements set forth by the Health Authority. The Health Authority, in partnership with other State and Local officials,

shall inspect the youth camp as frequently as deemed necessary during construction and conduct a final inspection prior to the start of operations and issuance of an approved license.

Section IX: PENALTY.

9.1 Penalty. Any person violating a provision of this ordinance may be guilty of a misdemeanor and upon conviction thereof shall be punished pursuant to Clay County Ordinance 2010-3 Part 2.

9.2 Citations. Whenever the Health Authority discovers a violation of this Ordinance, a citation may be issued to the person alleged to have committed the violation. The citation shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or impliedly authorized to accept such issuance.

9.3 Re-inspection. If violation(s) found during an establishment inspection are deemed a potential public health or safety risk, a re-inspection of the establishment may be performed by the Health Authority. A re-inspection service fee, as defined in resolution, may be assessed to a licensed establishment after a re-inspection is completed.

Section X: GROUNDS FOR EMERGENCY CLOSURE.

10.1 Grounds for Emergency Closure. If any of the following conditions exist, the operator may be ordered to discontinue or close all operations of the youth camp until such time as the Health Authority confirms the correction of the violation:

- A. Failure to possess a current license required by this Ordinance;
- B. Evidence of septic system failure in proximity to or related to operations of the youth camp;
- C. Lack of potable water related to operations of the youth camp;
- D. Acceptable toilet facilities are not present, sanitary, easily accessible, or operational to the youth camp;
- E. Significant damage to the establishment operation, shelters, or site services due to tornado, fire, flood, or other disaster;
- F. Evidence of an infestation of rodents or other vermin within structures or buildings related to the operation of the establishment;
- G. Any violation or combination of violations deemed by the Health Authority to be an immediate or potentially serious health, safety, or security concern to patrons of the youth camp; and
- H. Anytime a public health nuisance, as defined in Minnesota Statutes, Section 145A.02 subdivision 17, exists.

Section XI: VARIANCES.

11.1 Determination and Notice. When a licensee or applicant requests a variance under Minnesota Rules, Chapter 4717.7000, subpart 1(F), on the form provided by the Health Authority, from a provision of this Ordinance or Minnesota Rules, Chapter 4630, the Health Authority will issue a written determination regarding that variance request. The administrative review of the variance will be issued to the licensee or applicant within ten County working days of the completion of the review.

Section XII: SEPARABILITY

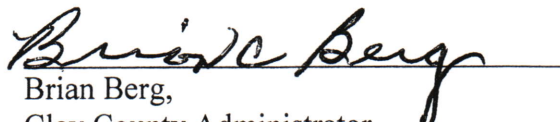
If any provision or application of any provision of this ordinance is held invalid, that invalidity shall not affect other provisions or applications of this ordinance.

EFFECTIVE DATE: After passage by the Clay County Board of Commissioners, this Ordinance shall be effective the date of enactment.

Adopted by the Clay County Board of Commissioners this 14 day of July, 2015.


Grant Weyland,
Chairman, Clay County Board of Commissioners

ATTEST:


Brian Berg,
Clay County Administrator

CLAY COUNTY ORDINANCE 2015-5

The Clay County Board hereby ordains as follows:

TITLE: This Section shall be known as the Clay County Public Swimming Pool and Spa Ordinance.

REPEALER: Clay County Ordinance 2011-3, Part I, Subpart D is hereby repealed in its entirety. The following shall be incorporated in the appropriate chapter of the Clay County Code in its place.

Section I: PURPOSE.

1.1 Purpose. This Ordinance is enacted to establish standards for the regulation of public swimming pools and spas to protect the health, safety, and general welfare of the people of Clay County pursuant to powers granted under Minnesota Statutes and subsequent recodifications and/or amendments and other applicable legislation, as may be adopted from time to time.

1.2 Objectives. The principal objectives of this Ordinance are as follows:

- A. To provide local governance to promote health, safety, and wellness to citizens and patrons of public swimming pools and spas.
- B. To correct and prevent conditions that may adversely affect persons utilizing public swimming pools and spas.
- C. To provide and enforce standards for the operation, and maintenance of public swimming pools and spas following requirements set forth by adopted legislation and this ordinance.
- D. To provide education to public swimming pools and spas workers and operators on risk factors contributing to health and safety issues.
- E. To meet consumer expectations of the health and safety of public swimming pools and spas.

Section II: SCOPE.

The scope of this ordinance applies to public swimming pools and spas within the jurisdiction of the Health Authority and as described in Minnesota Statutes Chapter 144.1222 and Minnesota Rules Chapter 4717.0250 subp. 8 through subp. 10 and Chapter 4717.0250 subp. 12.

Section III: DELEGATED AUTHORITY.

Promulgated in Minnesota Statutes Chapter 145A.07, the commissioner of health has entered into an agreement with Clay County, a member of the Partnership 4 Health community health

board, to delegate all or part of the licensing, inspection, reporting, and enforcement duties authorized under 145A.04, subdivision 6 and MN Statutes Chapter 157.

SECTION IV: STATE HEALTH DEPARTMENT RULES ADOPTED.

Pursuant to Minnesota Statutes 375.51 - 375.55, Minnesota Rules Chapter 4717.0150 - 4717.3970 excluding 4717.0310 and 4717.0450, Minnesota Statutes Chapter 157, and Minnesota Statutes Section 144.1222 pertaining to the Abigail Taylor Pool Safety Act, including all subsequent amendments thereto, are hereby adopted by Clay County by reference. Reference in 4717.0150 - 4717.3970 and Minnesota Statutes Chapter 157 to Board, Commissioner of Health, or Board of Health shall be to the Clay County Board of Commissioners and their authorized representatives except as they relate to plan review and the issuance of variances.

SECTION V: DEFINITIONS.

For the purpose of this ordinance the following words shall have the following meaning:

5.1 Definitions of words, phrases, and terms used in this Ordinance shall be those set forth in Minnesota Rules, Chapter 4717, Minnesota Statutes Chapter 157, Clay County Administrative Ordinance 2010-3 Part 2, and this section.

Subsection 1: "County" shall mean Clay County.

Subsection 2: "Health Authority" shall mean the Clay County Public Health Department and its designated employees, agents, or contractors, as the Clay County Board may designate.

Subsection 3: As stated in Minnesota Statutes Chapter 144.1222 subd. 4, "Public pool" means any pool other than a private residential pool, that is: (1) open to the public generally, whether for a fee or free of charge; (2) open exclusively to members of an organization and their guests; (3) open to residents of a multiunit apartment building, apartment complex, residential real estate development, or other multifamily residential area; (4) open to patrons of a hotel or lodging or other public accommodation facility; or (5) operated by a person in a park, school, licensed child care facility, group home, motel, camp, resort, club, condominium, manufactured home park, or political subdivision with the exception of swimming pools at family day care homes licensed under section 245A.14, subdivision 11, paragraph (a).

Subsection 4: As stated in Minnesota Rules Chapter 4717.0250 subp. 9, "Spa pool" means a hot water pool intended for seated recreational use with a water agitation system in addition to the recirculation system. Spa pool is synonymous with the term "whirlpool."

Subsection 5: As stated in Minnesota Rules Chapter 4717.0250 subp. 10, "Special purpose pool" means a pool intended to accommodate a use other than normal swimming, diving, or

wading. A special purpose pool includes, but is not limited to, spa pools, pools used for water therapy, dedicated plunge pools, flume water slides, and wave pools.

Subsection 6: As stated in Minnesota Rules Chapter 4717.0250 subp. 12, "Wading pool" means any pool with a maximum depth of 24 inches used or designed to be used exclusively for wading.

Section VI: ADMINISTRATION.

6.1 Administrative Ordinance. Except where otherwise specified, this Ordinance is subject to all provisions of Clay County Administrative Ordinance 2010-3 Part 2.

6.2 License Required. It is unlawful for any person to operate or permit the operation of a public swimming pool or spa, in Clay County regardless of whether a fee is charged for such use, unless the County has issued a valid license from the Health Authority which is in full force and effect. Licensing of public swimming pool or spa shall be done pursuant to Clay County Administrative Ordinance 2010-3 Part 2 and active Resolution. Only a person who complies with the provisions of this ordinance(s) and resolution(s) applicable thereto within the jurisdiction in which the public swimming pool or spa is located shall be entitled to receive a license.

6.3 General Licensing. The application for such licenses as described in this Ordinance shall be made on forms furnished by the Health Authority and shall describe the general nature of the business, the location, and any other information deemed necessary by the Health Authority.

6.4 Fees. Fees for licenses, late fees, and service fees as shown in the fee schedule, issued hereunder shall be those established by an active resolution of the Clay County Board of Health.

6.4 License Expiration. Licenses issued pursuant to this Ordinance shall commence and expire on the dates indicated on the license certificate. All public swimming pool or spa licenses shall be issued for the applicable license year.

6.5 Transfer and Display of License. A license shall not be transferable as to person or place. A valid, original license certificate issued from the Health Authority shall be located onsite and posted so that it is clearly visible to the public.

SECTION VII: INSPECTION OF PUBLIC SWIMMING POOLS AND SPAS.

The Health Authority shall inspect every public swimming pool and spa as frequently as deemed necessary or pursuant to Minnesota Statutes 157.20 to ensure compliance with this ordinance.

7.1 Access to Premises and Records. The person in charge of the establishment shall, upon request of the Health Authority and after providing proper Clay County identification, permit

access to all parts of the establishment at any reasonable time for the purpose of inspection as often as deemed necessary by the Health Authority.

7.2 Interference with Health Authority. No person shall interfere with or hinder the Health Authority in the performance of its duties, or refuse to permit the Health Authority to make inspections of the establishment.

7.3 Removal and Correction of Violations. The licensee, owner, or operator of the establishment, upon receipt of a report giving notification of one or more violations of this Ordinance, shall correct or remove each violation in the length of time determined by the Health Authority. The length of time for the correction or removal of each such violation shall be noted on the inspection report provided by the Health Authority to the establishment. Failure to remove or correct each violation within the specified time period may constitute a separate violation of this Ordinance and further action by the Health Authority. The Health Authority may issue orders to halt construction or remodeling, or to take corrective measures to ensure compliance with this Ordinance.

SECTION VIII: CONSTRUCTION AND PLAN REVIEW.

8.1 Plan Submission. All plans and specifications to construct, alter, or remodel a public swimming pool or spa shall be submitted to the Minnesota Department of Health for review and approval.

8.2 Approval Required. The Health Authority shall inspect or oversee the swimming pool or spas as frequently as deemed necessary during construction. The Health Authority shall conduct a final inspection in conjunction with the Minnesota Department of Health prior to the start of operations and issuance of an approved license. The jurisdiction shall not issue a building permit for an establishment or remodeling or alteration permit for such an establishment until the Minnesota Department of Health has approved such plans.

Section IX: GROUNDS FOR EMERGENCY CLOSURE.

9.1 Grounds for Emergency Closure. If any of the following conditions exist, the operator may be ordered to discontinue or close all operations of the swimming pool or spa until such time as the Health Authority confirms the correction of the violation:

- A. Failure to possess a current license required by this Ordinance;
- B. Evidence of a sewage backup in proximity to or related to operations of the public swimming pool or spa;
- C. Lack of potable water related to operations of the public swimming pool or spa;
- D. Acceptable toilet facilities are not present, sanitary, easily accessible, or operational to patrons of the public swimming pool or spa;

- E. Evidence or suspect of an ongoing illness associated with the operation of the public swimming pool or spa;
- F. Significant damage to the establishment operation due to tornado, fire, flood, or other disaster;
- G. Evidence of an infestation of rodents or other vermin;
- H. Failure to demonstrate knowledge by the certified pool operator to the Health Authority relating to healthy, safe, and secure operations of the public swimming pool or spa;
- I. Any violation or combination of violations as specified in MN Rules Chapter 4717.3970 or as deemed by the Health Authority to be an immediate or potentially serious health, safety, or security concern to patrons of the public swimming pool or spa.
- J. Anytime a public health nuisance, as defined in Minnesota Statutes, Section 145A.02 subdivision 17, exists.

Section X: VARIANCES.

As described in the delegation agreement, the Minnesota Department of Health retains exclusive authority for reviewing and granting variances, as provided in Minnesota Rules, parts 4717.7000, subpart 1(F).

SECTION XI: PENALTY.

11.1 Penalty. Any person violating a provision of this ordinance shall be guilty to a misdemeanor and upon conviction thereof shall be punished pursuant to Clay County Ordinance 2010-3 Part 2.

11.2 Citations. Whenever the Health Authority discovers a violation of this Ordinance, a citation may be issued to the person alleged to have committed the violation. The citation shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or impliedly authorized to accept such issuance.

11.3 Re-inspection. If violation(s) found during an establishment inspection are deemed a potential public health or safety risk, a re-inspection of the establishment may be performed by the Health Authority. A re-inspection service fee, as defined in resolution, may be assessed to a licensed establishment after a re-inspection is completed.

Section XII: SEPARABILITY.

If any provision or application of any provision of this Ordinance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance.

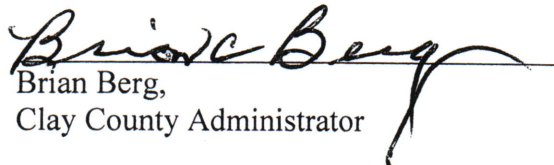
EFFECTIVE DATE: After passage by the Clay County Board of Commissioners, this Ordinance shall be effective the date of enactment.

Adopted by the Clay County Board of Commissioners this 14 day of July, 2015.


Grant Weyland,

Chairman, Clay County Board of Commissioners

ATTEST:


Brian Berg,
Clay County Administrator

CLAY COUNTY ORDINANCE 2015- 6

The Clay County Board hereby ordains as follows:

TITLE: This Section shall be known as the Clay County Manufactured Home Park and Recreational Camping Area Ordinance.

REPEALER: Clay County Ordinance 2011-3, Part I, Subpart E is hereby repealed in its entirety. The following shall be incorporated in the appropriate chapter of the Clay County Code in its place.

Section I: PURPOSE.

1.1 Purpose. This Ordinance is enacted to establish standards for the regulation of manufactured home parks, recreational camping, and special event recreational camping establishments to protect the health, safety, and general welfare of the people and patrons of Clay County pursuant to powers granted under Minnesota Statutes and subsequent recodifications and/or amendments and other applicable legislation, as may be adopted from time to time.

1.2 Objectives. The principal objectives of this Ordinance are as follows:

- A. To provide local governance to promote health, safety, and wellness to citizens and patrons of manufactured home parks, recreational camping, and special event recreational camping establishments.
- B. To correct and prevent conditions that may adversely affect persons utilizing manufactured home parks, recreational camping, and special event recreational camping establishments.
- C. To provide and enforce standards for the design, construction, operation, and maintenance of manufactured home parks, recreational camping, and special event recreational camping establishments following requirements set forth by adopted legislation.
- D. To provide education to manufactured home parks, recreational camping, and special event recreational camping establishment workers and operators on risk factors contributing to health and safety issues.
- E. To meet consumer expectations of the health and safety of manufactured home parks, recreational camping, and special event recreational camping establishments.

Section II: SCOPE.

The scope of this ordinance applies to manufactured home parks, recreational camping, and special event recreational camping establishments within the jurisdiction of the Health Authority and as described in Minnesota Statutes Chapter 327.14.

Section III: DELEGATED AUTHORITY.

Promulgated in Minnesota Statutes Chapter 145A.07, the commissioner of health has entered into an agreement with Clay County, a member of the Partnership 4 Health community health board, to delegate all or part of the licensing, inspection, reporting, and enforcement duties authorized under 145A.04, subdivision 6 and MN Statutes Chapter 157.

Section IV: STATE HEALTH DEPARTMENT RULES ADOPTED.

Pursuant to Minnesota Statutes 145A1.01 – 145A1.11, Chapter 327.14 – 327.28 inclusive, and Minnesota Rules 4630.0200 – 4630.2210 relating to Manufactured Home Parks, Recreational Camping Areas, and Special Event Recreational Camping Areas including all subsequent amendments thereto, are hereby adopted by Clay County by reference. Reference in 4630.0200 – 4630.2210 to Board, Commissioner of Health, or Board of Health shall be to the Clay County Board of Commissioners and their authorized representatives.

Section V: STANDARDS FOR HEALTH, SAFETY, AND NUISANCE PREVENTION.

In addition to language disclosed herein Section III of this ordinance, the following provisions are set forth with the full force and effect of this ordinance.

5.1 Skirting: Manufactured home shall be skirted between the bottom of the manufactured home and the ground with a fireproof material harmonious with the appearance of the manufactured home within three months of the site placement of the manufactured home. Fibrous, organic, or absorbent materials, such as Plywood, hardboard, cardboard or baled hay or straw shall be prohibited.

Section VI: DEFINITIONS.

For the purpose of this ordinance the following words shall have the following meaning:

Subsection 1: "County" shall mean Clay County.

Subsection 2: "Health Authority" shall mean the Clay County Public Health Department, its and its designated employees, agents, or contractors, as the Clay County Board may designate.

Subsection 3: As defined in Minnesota Statutes Chapter 327.14, "manufactured home park" means any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

Subsection 4: As defined in Minnesota Statutes Chapter 327.14, "recreational camping area" means any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational camping vehicles free of charge or for compensation. "Recreational camping area" excludes:

- (1) children's camps;
- (2) industrial camps;
- (3) migrant labor camps, as defined in Minnesota Statutes and state commissioner of health rules;
- (4) United States Forest Service camps;
- (5) state forest service camps;
- (6) state wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landing; and
- (7) temporary holding areas for self-contained recreational camping vehicles created by and adjacent to motor sports facilities, if the chief law enforcement officer of an affected jurisdiction determines that it is in the interest of public safety to provide a temporary holding area.

Subsection 5: As defined in Minnesota Statutes Chapter 327.14, "special event recreational camping area" means a recreational camping area which operates no more than two times annually and for no more than 14 consecutive days.

Section VII: ADMINISTRATION.

7.1 Administrative Ordinance. Except where otherwise specified, this Ordinance is subject to all provisions of Clay County Administrative Ordinance 2010-3 Part 2.

7.2 License Required. It is unlawful for any person to operate or permit the operation of a manufactured home park, recreational camping area, or special event recreational camping area, regardless of whether a fee is charged for such use, unless Clay County has issued a valid license from the Health Authority which is in full force and effect. Licensing of a manufactured home park, recreational camping area, or special event recreational camping shall be done pursuant to Clay County Administrative Ordinance 2010-3 Part 2 and active Resolution. Only a person who complies with the requirements of this Ordinance shall be entitled to hold a license.

7.3 General Licensing. The application or renewal for such licenses as described in this Ordinance shall be made on forms furnished by the Health Authority and shall describe the general nature of the business, the location, and any other information deemed necessary by the Health Authority.

7.4 Fees. Fees for licenses, late fees, and service fees as shown in the fee schedule, issued hereunder shall be those established by an active resolution of the Clay County Board of Health.

7.5 License Expiration. Licenses issued pursuant to this Ordinance shall commence and expire on the dates indicated on the license certificate. With the exemption of special event recreational camping areas, all manufactured home parks and recreational camping areas licenses shall be issued for the applicable license year.

7.6 Transfer and Display of License. A license shall not be transferable as to person or place. A valid, original license certificate issued from the Health Authority shall be available upon request to the establishment by the Health Authority.

Section VIII: INSPECTION OF MANUFACTURED HOME PARKS AND RECREATIONAL CAMPING AREAS.

The Health Authority shall inspect every manufactured home park, recreational camping area, or special event recreational camping area as frequently as deemed necessary or pursuant to Minnesota Rules Chapter 4630.2210 to ensure compliance with this ordinance.

8.1 Access to Premises and Records. After providing proper Clay County identification, the person in charge of the establishment shall, upon request of the Health Authority, permit access to all parts of the establishment at any reasonable time for the purpose of inspection as often as deemed necessary by the Health Authority.

8.2 Interference with Health Authority. No person shall interfere with or hinder the Health Authority in the performance of its duties, or refuse to permit the Health Authority to make inspections of the establishment.

8.3 Removal and Correction of Violations. The licensee, owner, or operator of the establishment, upon receipt of a report giving notification of one or more violations of this Ordinance, shall correct or remove each violation in the length of time determined by the Health Authority. The length of time for the correction or removal of each such violation shall be noted on the inspection report provided by the Health Authority to the establishment. Failure to remove or correct each violation within the specified time period may constitute a separate violation of this Ordinance and further action by the Health Authority. The Health Authority may issue orders to halt construction or remodeling, or to take corrective measures to ensure compliance with this Ordinance.

Section IX: CONSTRUCTION AND PLAN REVIEW.

All persons who hereafter construct, remodel or convert buildings or facilities for use on a parcel of land meeting the definition of a manufactured home park, recreational camping area, or special event recreational camping area shall conform and comply in their construction or alteration with the requirements of this ordinance. Plans and specifications for such construction, remodeling or alteration which shall show layout; mechanical, plumbing, and electrical specifications; construction materials; and location and type of equipment and facilities shall be filed by its owner in the Office of the Health Authority. The Health Authority, in partnership with other State and Local officials, shall inspect the grounds including buildings and facilities related to the operation or functionality of the establishment as frequently as deemed necessary during construction to ensure that construction occurs in conformance with the approved plans.

9.1 Plan Submission. The license applicant or licensee shall submit properly prepared plans to the Health Authority under the provisions of Minnesota Rules, Chapter 327.16. The plans, specifications, application, and plan review fee shall be submitted to the Health Authority at least 30 days before beginning construction or remodeling.

9.2 Approval Required. The establishment shall be constructed in conformance with plans approved by the Health Authority. The jurisdiction shall not issue a building permit for the establishment or remodeling or alteration permit as required for such establishment until the Health Authority has approved such plans.

9.3 Construction Inspections. The licensee shall not begin operations until the Health Authority has conducted a final inspection and approved issuance of the license.

Section X: PENALTY.

10.1 Penalty. Any person violating a provision of this ordinance may be guilty of a misdemeanor and upon conviction thereof shall be punished pursuant to Clay County Ordinance 2010-3 Part 2.

10.2 Citations. Whenever the Health Authority discovers a violation of this Ordinance, a citation may be issued to the person alleged to have committed the violation. The citation shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or impliedly authorized to accept such issuance.

10.3 Re-inspection. If violation(s) found during an establishment inspection are deemed a potential public health or safety risk, a re-inspection of the establishment may be performed by the Health Authority. A re-inspection service fee, as defined in resolution, may be assessed to a licensed establishment after a re-inspection is completed.

Section XI: GROUNDS FOR EMERGENCY CLOSURE.

11.1 Grounds for Emergency Closure. If any of the following conditions exist, the operator may be ordered to discontinue or close all operations of the manufactured home park, recreational camping area, or special event recreational camping area until such time as the Health Authority confirms the correction of the violation:

- A. Failure to possess a current license required by this Ordinance;
- B. Evidence of septic system failure in proximity to or related to operations of the establishment;
- C. Lack of potable water related to operations of the establishment;
- D. Acceptable toilet facilities are not present, sanitary, easily accessible, or operational to the recreational camping area or special event recreational camping area;
- E. Significant damage to the establishment operation, shelters, or site services due to tornado, fire, flood, or other disaster;
- F. Evidence of an infestation of rodents or other vermin within structures or buildings related to the operation of the park or camp;
- G. Any violation or combination of violations deemed by the Health Authority to be an immediate or potentially serious health, safety, or security concern to patrons of the park or camp; and
- H. Anytime a public health nuisance, as defined in Minnesota Statutes, Section 145A.02 subdivision 17, exists.

Section XII: VARIANCES.

12.1 Determination and Notice. When a licensee or applicant requests a variance under Minnesota Rules, Chapter 4717.7000, subpart 1(E), on the form provided by the Health Authority, from a provision of this Ordinance or Minnesota Rules, Chapter 4630, the Health Authority will issue a written determination regarding that variance request. The administrative review of the variance will be issued to the licensee or applicant within ten County working days of the completion of the review.

Section XIII: SEPARABILITY

If any provision or application of any provision of this ordinance is held invalid, that invalidity shall not affect other provisions or applications of this ordinance.

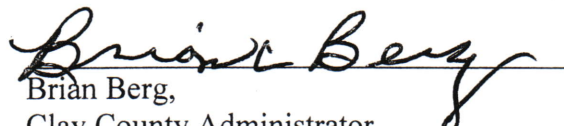
EFFECTIVE DATE: After passage by the Clay County Board of Commissioners, this Ordinance shall be effective the date of enactment.

Adopted by the Clay County Board of Commissioners this 14 day of July, 2015.



Grant Weyland,
Chairman, Clay County Board of Commissioners

ATTEST:



Brian Berg,
Clay County Administrator

CLAY COUNTY ORDINANCE 2015-7

The Clay County Board hereby ordains as follows:

TITLE: This Section shall be known as the Clay County Public Water Supply Ordinance.

REPEALER: Clay County Ordinance 2011-3, Part I, Subparts F and G are hereby repealed in their entirety. The following shall be incorporated in the appropriate chapter of the Clay County Code in their place.

Section I: PURPOSE.

1.1 Purpose. This Ordinance is enacted to insure safe drinking water at transient, non-community public water supplies doing business as regulated licensed facilities in Clay County.

1.2 Objectives. The principal objectives of this Ordinance are as follows:

A. To promote health, safety, and wellness to citizens and patrons accessing and consuming drinking water from transient non-community public water supplies at regulated licensed facilities.

B. To correct and prevent conditions that may adversely affect persons accessing and consuming drinking water from transient non-community public water supplies at regulated licensed facilities.

C. To provide safe drinking water testing services and enforce standards for the operation and maintenance of transient non-community public water supplies at regulated licensed facilities following specific requirements set forth through a delegation agreement with the Minnesota Department of Health.

D. To meet consumer expectations of safe drinking water at transient non-community public water supplies at regulated licensed facilities.

Section II: SCOPE.

The scope of this ordinance applies to transient water supplies for establishments licensed by and within the jurisdiction of the Health Authority and wellhead protection as defined by Minnesota Rules, parts 4720.5100, 4720.5110, subpart 1, and 4720.5120.

Section III: DELEGATED AUTHORITY.

Promulgated in Minnesota Statutes Chapter 145A.07, the Health Authority has entered into an agreement with Clay County, a member of the Partnership 4 Health community health board, to

delegate duties as stated in the Safe Drinking Water Act, MN Statutes Sections 144.381 - 144.387 and as authorized in the agreement.

Section IV: STATE HEALTH DEPARTMENT RULES ADOPTED.

Pursuant to Minnesota Statutes Sections 144.381-144.387 and Minnesota Administrative Rules parts 4720.5100, 4720.5110, subpart 1, and 4720.5120 relating to public water supplies and wellhead protection, including all subsequent amendments thereto, are adopted by Clay County by reference. Furthermore, the adoption herein only applies to transient non-community public water supplies at regulated licensed establishments and will adhere to the responsibility scope and exclusions set forth in the Delegation Agreement and the Federal Safe Drinking Water Act (SWDA).

Section V: DEFINITIONS.

For the purpose of this ordinance the following words shall have the following meaning:

Subsection 1: "County" shall mean Clay County.

Subsection 2: "Health Authority" shall mean the Clay County Public Health Department and its designated employees, agents, or contractors, as the Clay County Board may designate.

Subsection 3: As stated in Minnesota Statutes 144.382, a "public water supply" has the meaning given to "public water system" in the federal Safe Drinking Water Act, United States Code, title 42, section 300f, and clause (4).

Subsection 4: As stated in Minnesota Statutes 144.382, a "supplier" means a person who owns, manages or operates a public water supply.

Section VI: FEES.

Fees for non-community public water supplies are only assessed in conjunction with licensed establishments regulated by the Health Authority and shall be those established from time to time by resolution of the County Board of Commissioners.

Section VII: INSPECTION OF PUBLIC WATER SUPPLIES

As promulgated in Minnesota Rule 4720.3800 and Minnesota Rule 4720.0550, the Health Authority, or one of its authorized representatives, upon presenting appropriate credentials to any water supplier, is authorized to enter and inspect any establishment, facility, or other property of such supplier, as deemed necessary in order to determine whether such supplier has acted or is

acting in compliance with the rules of the commissioner relating to water supplies, including for this purpose the inspection of records, files, papers, processes, controls, and facilities, or in order to test any feature of a public water supply, including its raw water source.

Section VIII: CONSTRUCTION PLAN REVIEW.

The Minnesota Department of Health retains exclusive authority for the review of plans for new, altered, or extended transient water systems as provided in MN Statutes, Section 144.383. The Health Authority shall direct the owner or operator of the transient water supply to submit plans to the Minnesota Department of Health for approval prior to the commencement of the construction or alteration.

Section IX: PENALTY.

9.1 Penalty. Any person violating a provision of this ordinance may be guilty of a misdemeanor and upon conviction thereof shall be punished pursuant to Clay County Ordinance 2010-3 Part 2.

9.2 Citations. Whenever the Health Authority discovers a violation of this Ordinance, a citation may be issued to the person alleged to have committed the violation. The citation shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or impliedly authorized to accept such issuance.

Section X: VARIANCES.

As described in the delegation agreement, the Minnesota Department of Health retains exclusive authority for reviewing and granting variances, as provided in Minnesota Rules, parts 4720.2700 and 4720.3970.

Section XI: SEPARABILITY.

If any provision or application of any provision of this Ordinance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance.

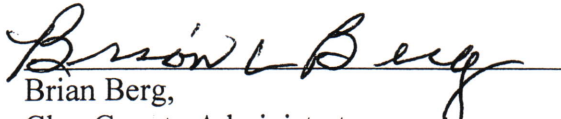
EFFECTIVE DATE: After passage by the Clay County Board of Commissioners, this Ordinance shall be effective the date of enactment.

Adopted by the Clay County Board of Commissioners this 14 day of July, 2015.



Grant Weyland,
Chairman, Clay County Board of Commissioners

ATTEST:



Brian Berg,
Clay County Administrator